

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**IN RE METHYL TERTIARY BUTYL ETHER
PRODUCTS LIABILITY LITIGATION**

This document relates to:

City of New York v. Amerada Hess Corporation, et al.,
No. 04 Civ. 3417 (SAS)

Master File No. 1:00-1898
MDL 1358 (SAS)
M21-88

**EXXON MOBIL DEFENDANTS' NOTICE OF RENEWED MOTION FOR
JUDGMENT AS A MATTER OF LAW OR, IN THE ALTERNATIVE,
FOR A NEW TRIAL**

Pursuant to Rule 50(b) of the Federal Rules of Civil Procedure, and for the reasons stated below, Defendants Exxon Mobil Corporation, ExxonMobil Chemical Company, Inc., Exxon Mobil Oil Corporation, and Mobil Corporation (collectively "ExxonMobil" or "Defendants") renew their motions for judgment as a matter of law on the claims of the Plaintiffs City of New York, New York City Water Board and the New York City Municipal Water Finance Authority (collectively "the City" or "Plaintiffs"). In the alternative, Defendants move for a new trial pursuant to Federal Rule of Civil Procedure 59(a).

As explained more fully in the memorandum supporting this motion, and in the arguments and analysis incorporated by reference in that memorandum, as well as in Defendants' October 1, 2009, Memorandum in support of their motion for judgment as a matter of law pursuant to Rule 50(a), no legally sufficient evidentiary basis exists for a reasonable jury to find in favor of the City for the following reasons:

1. All of the City's claims were preempted by federal law;
2. Overwhelming evidence proved that the City's claims were time-barred by the applicable statute of limitations, and no reasonable jury could find otherwise;

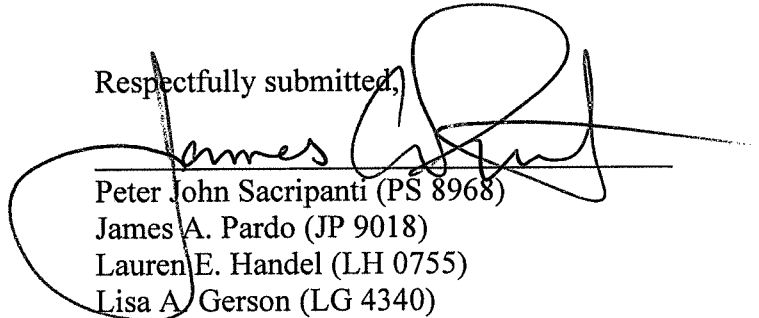
3. All of the City's claims failed due to lack of sufficient proof that ExxonMobil caused the City's alleged injury;
4. All of the City's claims failed due to lack of proof that the City has incurred an actual or imminent legally cognizable injury;
5. The City failed to prove its failure-to-warn claim;
6. The City failed to prove its negligence claim;
7. The City failed to prove its public nuisance claim; and
8. The City failed to prove its trespass claim.

For the same reasons, the verdict in favor of Plaintiffs is against the weight of the evidence.

Therefore, in the event that the Court does not grant ExxonMobil judgment as a matter of law, a new trial is warranted.

DATED: April 21, 2010

Respectfully submitted,



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